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City of Chattanooga

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October 22, 2004

VIA FEDEX #790313857420

Mr. Pat Miller, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: Tennessee American Water Company, Docket No. 04-00288.

Dear Chairman Miller:

Enclosed for filing is the Petition to Intervene on behalf of the City of Chattanooga. Please return a stamped filed copy to me in the enclosed self-addressed, stamped envelope.

If you have any questions, please contact me.

Sincerely

Michael A. McMahan
Special Counsel

MAM/add

cc: Mayor Bob Corker (via facsimile: 423-757-0005)
Timothy C. Phillips, Esquire, (via facsimile: 615-532-2910)
T.G. Pappas, Esquire & R. Dale Grimes, Esq. (via facsimile: 615-742-6293)
Henry Walker, Esquire (via facsimile: 615-252-2380)
David Higney, Esquire (via facsimile: 423-756-6518)
Mr. Dan McCormac (via U.S. Mail)
Ms. Jean A. Stone (via U.S. Mail)

IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:	:	
	:	
PETITION OF TENNESSEE-AMERICAN	:	
WATER COMPANY TO CHANGE AND	:	DOCKET NO. 04-00288
INCREASE CERTAIN RATES AND CHARGES	:	
SO AS TO PERMIT IT TO EARN A FAIR AND	:	
ADEQUATE RATE OF RETURN ON ITS	:	
PROPERTY USED AND USEFUL IN	:	
FURNISHING WATER SERVICES TO ITS	:	
CUSTOMERS.	:	

PETITION TO INTERVENE

Comes now the City of Chattanooga, Tennessee, a municipal corporation, by and through counsel, pursuant to Tennessee Code Annotated §65-2-107, and Rule 1220-1-2-.08 of the *Rules of the Tennessee Regulatory Authority, Division of Practice and Procedure*, and petitions to intervene in this docket because the petitioner's legal rights, duties, privileges, immunities or other legal interests may be adversely affected by Tennessee-American Water Company's Petition to Change and Increase Certain Rates. For cause, the petitioner would show as follows:

1. This is a contested case within the meaning of T.C.A. §65-2-101(2) as it involves the fixing of rates.
2. Tennessee-American Water Company ("TAWC") is a Tennessee corporation regulated by the Tennessee Regulatory Authority ("TRA"). TAWC is a public utility and is engaged in providing residential, commercial, industrial and municipal water service, including public and private fire protection service to the City of Chattanooga and surrounding areas.
3. The present docket, Docket No. 04-00288, involves a Petition to change and increase certain rates and charges currently in effect for water service within the City of Chattanooga and to approve certain tariffs filed simultaneously with the Petition.

4. The City of Chattanooga, a municipal corporation, is a proper party to intervene in this case as the City of Chattanooga is not only a major customer of TAWC, but, in its governmental capacity, seeks also to protect the legal rights, duties, privileges, immunities or other legal interests of its citizens that may be determined in these proceedings.

5. In support of this Petition to Intervene, the City of Chattanooga would urge that the Authority should consider several matters, including, but not limited to:

- a. The increased rates will create an economic hardship on businesses and residents of Chattanooga and adversely impact economic development in the city;
- b. The TAWC's request for such a large increase so soon after the increase approved in Docket No. 03-00118 is unreasonable; and
- c. The City is in a unique position to provide useful information relating to public fire protection fees and the application of T.C.A. § 65-5-201.

6. Only by intervening and participating in this proceeding can the City of Chattanooga properly protect its interests and the interests of its citizens.

WHEREFORE, the petitioner prays the authority to grant its Petition to Intervene.

Respectfully submitted,

CITY OF CHATTANOOGA, TENNESSEE
RANDALL L. NELSON, CITY ATTORNEY

BY: 

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Special Counsel
801 Broad Street, Suite 400
Chattanooga, TN 37402
(423) 757-5338
(423) 756-0737 (facsimile)

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served a true and correct copy of the foregoing pleading by either hand delivery or by depositing same in the United States mail, postage prepaid, and addressed to the following:

Pat Miller, Esq.
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Jean A. Stone, Hearing Officer
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Richard Collier, Esq.
General Counsel
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Timothy C. Phillips, Esq.
Office of the Attorney General
Consumer Advocate & Protection Div.
P.O. Box 20207
Nashville, TN 37202

R. Dale Grimes, Esq.
T.G. Pappas, Esq.
Bass, Berry & Sims, PLC
315 Deaderick Street, Suite 2700
Nashville, TN 37238-3001

Mr. Dan McCormac
Chief of Energy & Water Division
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

This the 22nd day of October, 2004.


MICHAEL A. McMAHAN

cc: David Higney, Esq.
Henry Walker, Esq.